



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Colorado Field Office  
755 Parfet Street, Suite 361  
Lakewood, Colorado 80215

IN REPLY REFER TO:  
ES/CO: T&E/PMJM/Other  
MS 65412 Lkwd

MAY 13 2004

Ron Beane  
ERO Resources Corporation  
1842 Clarkson Street  
Denver, Colorado 80218

Dear Mr. Beane:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed your request of February 24, 2004, on behalf of the Urban Drainage and Flood Control District, regarding **the proposed boundary revision to the Denver Metropolitan Area Block Clearance Zone** for the federally-threatened Preble's meadow jumping mouse, *Zapus hudsonius preblei* (Preble's), for the previously expanded clearance area, approved by the Service on January 27, 2004. The Service agrees with your request to revise a section of the boundary to follow Highway 85 (Sante Fe Drive) near the southwest corner of the clearance zone. A "block clearance" zone is one in which the Service has determined that the species in question is not likely to currently exist.

The Service's Interim Survey Guidelines for Preble's (May 21, 1999) recommend that habitat assessments or trapping surveys be conducted in potentially suitable habitats in affected counties to assure compliance with the ESA. In designating a block clearance zone, the Service eliminates the need for individuals or agencies to coordinate with the Service prior to conducting activities in habitats that otherwise would be deemed to have the potential to support Preble's. The establishment of this block clearance zone is based on the likely absence of Preble's within the area, and little likelihood that any of the area would be of importance in any future plan to recover the species. Should Preble's be discovered within the block clearance zone it would be subject to full protection under the ESA and the Service would consider modification of the zone as appropriate.

The original area designated as the exclusion zone for the Denver Metropolitan Area in July, 2000 and in the September, 2003 extension, includes a significant portion of the Metropolitan area within the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson. Generally, the limits of the block clearance established in 2000 are Baseline Road at Rock Creek in the northwest, East 144<sup>th</sup> Avenue/Highway 51 in the northeast, Smoky Hill Road/E-470 in the southeast, and C-470/Platte Canyon Road in the southwest. The block clearance excludes Chatfield Reservoir and Cherry Creek Reservoir State Recreation Areas.

The additions to the original boundaries of the exclusion zone, as approved by the Service in January, 2004, include six areas within the Metropolitan area which have experienced extensive residential and commercial development in recent years and which show little likelihood of supporting populations of Preble's. These six areas include Arvada, Broomfield/Superior in the northwest, Second/Third/Todd Creek in the northeast, Tollgate Creek in Aurora, Piney Creek at E-470, and Lone Tree Creek in Centennial. The Chatfield Reservoir State Recreation Area continues to be excluded from the clearance zone.

The proposed revision to the clearance zone boundary south of C-470 in the Highlands Ranch area follows Highway 85 (Sante Fe Drive) and includes parcels between Sante Fe Drive and the Atchison Topeka & Sante Fe Railroad where the railroad tracks divert west from Hwy. 85 between C-470 and West Parker Road. The new boundary does not include Cherry Creek Reservoir State Recreation Area and the Cherry Creek drainage.


The Service concurs with the revision to this section of the exclusion zone boundary based upon numerous negative trapping surveys and habitat assessments conducted within the area since 1997. These trapping results and habitat assessments indicate that potential habitat is not present or that the species may be extirpated from the areas.

Effective the date of this letter, the block clearance zone for the Denver Metropolitan Area will be revised to include the new boundary along Highway 85 and will be in effect for a period of 3 years. After three years the Service will review the clearance, any additional information, and may renew the clearance as deemed appropriate. Based on additional information, the clearance zone may be expanded or adjusted periodically.

The Service emphasizes that while wetlands and riparian habitats within the revised block clearance zone do not support Preble's, they should be conserved and enhanced for other values including fish and wildlife habitat, flood control, and maintenance of water quality.

If we can be of further assistance, please contact Barbara Spagnuolo of my staff at (303) 275-2370.

Sincerely,



Susan C. Linner  
Colorado Field Supervisor

cc: Urban Drainage & Flood Control District: Mark Hunter  
CO Division of Wildlife: Gary Skiba  
FWS/RO: Bob McCue  
FWS/CFO: Pete Plage  
FWS/CFO: Kathleen Linder  
FWS/CFO: B. Spagnuolo

Reference: BJS\DenverBlkClear3.wpd





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IN REPLY REFER TO:  
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MS 65412 Lkwd

JAN 27 2004

Mark Hunter  
Urban Drainage and Flood Control District  
2480 West 26<sup>th</sup> Avenue, Suite 156B  
Denver, Colorado 80211-5304

Dear Mr. Hunter:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed your request of December 17, 2003 regarding **proposed additions to the "Block Clearance Zone"** for the federally-threatened Preble's meadow jumping mouse, *Zapus hudsonius preblei* (Preble's), within the previously designated boundaries of the **Denver Metropolitan Area**. The Service concurs with your conclusion that expansion of the existing "block clearance" zone boundaries, as depicted in the original exclusion area granted on July 17, 2000, is appropriate. A "block clearance" zone is one in which the Service has determined that the species in question is not likely to currently exist.

The Service's Interim Survey Guidelines for Preble's (May 21, 1999) recommend that habitat assessments or trapping surveys be conducted in potentially suitable habitats in affected counties to assure compliance with the ESA. In designating a block clearance zone, the Service eliminates the need for individuals or agencies to coordinate with the Service prior to conducting activities in habitats that otherwise would be deemed to have the potential to support Preble's. The establishment of this block clearance zone is based on the likely absence of Preble's within the area, and little likelihood that any of the area would be of importance in any future plan to recover the species. Should Preble's be discovered within the block clearance zone it would be subject to full protection under the ESA and the Service would consider modification of the zone as appropriate.

The original area designated as the exclusion zone for the Denver Metropolitan Area in July, 2000 and in the September, 2003 extension, includes a significant portion of the Metropolitan area within the counties of Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson. Generally, the limits of the block clearance established in 2000 are Baseline Road at Rock Creek in the northwest, East 144<sup>th</sup> Avenue/Highway 51 in the northeast, Smoky Hill Road/E-470 in the southeast, and C-470/Platte Canyon Road in the southwest. The block clearance excludes Chatfield Reservoir and Cherry Creek Reservoir State Recreation Areas.

The proposed additions to the original boundaries of the exclusion zone, as depicted in the provided map, include six areas within the Metropolitan area which have experienced extensive residential and commercial development in recent years and which show little likelihood of supporting populations of Preble's. These six areas include Arvada, Broomfield/Superior in the northwest, Second/Third/Todd Creek in the northeast, Tollgate Creek in Aurora, Piney Creek at E-470, and Lone Tree Creek in Centennial. The new boundaries do not include Chatfield Reservoir State Recreation Area, Cherry Creek Reservoir State Recreation Area, and the Cherry Creek drainage.

The Service concurs with the expansion of the exclusion zone boundaries based upon numerous negative trapping surveys and habitat assessments conducted within these areas since 1997. These trapping results and habitat assessments indicate that potential habitat is not present or that the species may be extirpated from the areas.

Effective the date of this letter, the block clearance zone for the Denver Metropolitan Area will be expanded to include the abovementioned six areas and will be in effect for a period of 3 years. After three years the Service will review the clearance, any additional information, and may renew the clearance as deemed appropriate. Based on additional information, the clearance zone may be expanded or adjusted periodically. At this time, the Service requests an electronic copy of the revised clearance map, preferably in PDF format, to be made available on our web site ([www.r6.fws.gov/preble](http://www.r6.fws.gov/preble)), as well as multiple paper copies of the map for distribution.

The Service emphasizes that while wetlands and riparian habitats within the revised block clearance zone do not support Preble's, they should be conserved and enhanced for other values including fish and wildlife habitat, flood control, and maintenance of water quality.

If the Service can be of further assistance, please contact Barbara Spagnuolo of my staff at (303) 275-2370.

Sincerely,



Susan C. Linner  
Colorado Field Supervisor

cc: Smith Environmental: Peter Smith  
ERO Resources: Ron Beane  
CO Division of Wildlife: Gary Skiba  
FWS/RO: Bob McCue  
FWS/CFO: Pete Plage  
FWS/CFO: Kathleen Linder  
FWS/CFO: B. Spagnuolo

Reference: BJS\DenverBlkClear2.wpd